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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,101	01/14/2002	Masahiro Sawayanagi	06753.0490	6748

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EXAMINER

NGUYEN, PHUONGCHI T

ART UNIT PAPER NUMBER

2833

DATE MAILED: 09/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/043,101

Applicant(s)

SAWAYANAGI, MASAHIRO

Examiner

Phuongchi T Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on amendment on June 19, 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3 is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 4-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Applicant's amendment of June 19, 2003 is acknowledged. It is noted that claims 1-4 are amended. New claims 5-8 are added.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sonobe et al (US5954537).

In regards to claims 1 and 5, Sonobe discloses (Attachment 1) a connection structure for connecting a flat cable connected to a connector comprising a connector housing (100) protruding from a base plate (B), comprising a first surface (A) substantially parallel to the base plate (B); and a pair of side surfaces (C, C) on both sides of the first surface (A); a plurality of terminals (130, 140) housed in the connector housing (100), a plurality of cables (31) having a plurality of conductors (it is inherent), each in contact with the respective press-fit contact (131, 141); and a cover (110) covering the first surface (A) and the side surfaces (C, C) of the connector housing (100); wherein the plurality of the cables (31) are curved along the first surface (A) and the side surfaces (C, C) by the cover (110) so as to be in contact with the press-fit contacts (131, 141). Sonobe discloses the invention, but lacks the press fit contact exposed from the first surface. It would have been an obvious matter of design to make the press-fit contact (131, 141) of Sonobe to protrude from the first surface A for better facility contact with the cable in a different position; since such a modification would have involved a mere change in

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the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. in re Rose, 105 USPQ 237 (CCPA 1955).

In regards to claims 2 and 6, Sonobe discloses (Attachment 1) the connection structure of a cable further comprising a pair of slits (D) between the cover (110) and the base plate (B) that allows a direction of the cable (31) therefrom to be regulated.

4. Claims 4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sonobe et al (US5954537) in view of Belanger, Jr. et al (US5885091).

In regards to claims 4 and 8, Sonobe lacks a hinge connecting the cover and the housing. However, Belanger teaches (figure 8) the connection structure of a cable (152) wherein the cover (158) is integrally connected with the connector housing (156) by a hinge (167). It would have been obvious to one having ordinary skill at the time the invention was made to modify the cover of Sonobe by providing a hinge between the cover and the housing as taught by Belanger for providing protection and insulation to the connection.

Allowable Subject Matter

5. Claim 3 is allowed.

6. The following is a statement of reasons for the indication of allowable subject matter: In regards to claim 7, none of prior art teaches or suggests the connection structure of a cable wherein the base plate further comprises a pair of grooves, each communicating with the respective slit and having a width which broadens toward each end of the base plate, and the grooves house the cable.

Reponses to arguments

7. In response to applicant's argument (of claim 1) that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or

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modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the press-fit contact of Sonobe is modified by protruding from the first surface for better facilitating contact with the cable in a different position; since such a modification would have involved a mere change in the size, in this case, the length, of a component.

8. In response to applicant's argument (of claim 4) that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). In this case, the cover of Sonobe is modified by connecting a hinge between the cover and the housing as taught by Belanger for providing protection and insulation to the connection.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuongchi T Nguyen whose telephone number is (703)305-0729. The examiner can normally be reached on Monday through Thursday from 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula Bradley can be reached on (703) 308 - 2319. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7723 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-3329.

August 29, 2003


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